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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,264	07/30/2003	Michael Baumann	60,126-222	8702

27305 7590 09/23/2005

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EXAMINER

PUNNOOSE, ROY M

ART UNIT PAPER NUMBER

2877

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/630,264	Applicant(s) BAUMANN ET AL.	
	Examiner Roy M. Punnoose	Art Unit 2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/2/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on December 14, 2001. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).
2. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon the application DE 101 61 550 A 1 filed in Germany on December 14, 2001. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.
3. The German application DE 101 61 550 A 1 was published on June 18, 2003. The instant application was filed in the United States on July 30, 2003. Because the U.S. application was filed after the publication of the German application, the German application has become prior art for examination purposes of the instant application.

Incorporation by reference

4. The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

In the instant application, the incorporation of essential material in the specification by reference to DE 101 15 661, and DE 101 15 472 (see page 10 of the specification) is improper. Appropriate correction is required.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the polarization device, reflector, etc., must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Baumann et al (DE 101 61 550 A 1).

8. Claims 1-14 are rejected because Baumann et al discloses a sensor system for a conductive coating delivery system subject to high voltage, comprising, a movable element including a magnetically acting transmitter element for signaling the position or movement of said movable member, and a sensor element responsive to said magnetically acting transmitter element in a portion of said conductive coating delivery system subject to high voltage, said sensor element including an optical polarizing device subject to magneto-optical change upon approach of said magnetically acting transmitter element of said movable member generating a light signal, and optical fibers connected to said sensor receiving said light signal connected to an electronic device situated remotely from said high voltage generating an electric signal corresponding to said light signal, wherein said magnetically acting transmitter element is a permanent magnet, and, wherein said sensor element includes a refractor element which turns polarized light located between said polarization device and said reflector, and wherein said conductive coating delivery system includes a delivery line, said movable member is a pig movable through said delivery line and said pig including an embedded permanent magnet, and wherein said conductive coating delivery system includes a pig station receiving said pig and

said sensor element is located in said pig station signaling receipt of said pig in said pig station, and said sensor element is located adjacent said delivery line signaling movement of said pig through said delivery line past said sensor element, and said conductive coating delivery system includes a delivery line receiving said movable member and said electronic device is connected to a valve delivering fluid to said delivery line, and said conductive coating delivery system includes an apparatus having a movable member and a stationary member and said sensor element is located on said stationary member, and said conductive coating delivery system includes a metering pump driven by a motor, wherein said magnetically acting transmitter element is located on a rotating component of said metering pump and motor (see col.1, line 1 – col.6, line 8; Figures 1-4).

Further, Baumann et al discloses a sensor system for a conductive coating delivery system, comprising, a conductive coating delivery line, a pig movable through said conductive coating delivery line having a magnetically acting transmitter element for signaling a position or movement of said pig, and a sensor element responsive to said magnetically acting transmitter element of said pig in a portion of said conductive coating delivery system subject to high voltage, said sensor element including an optically polarizing device subject to magneto-optical change upon approach of said magnetically acting transmitter element of said pig generating a polarized light signal, optical fibers connected to said sensor element receiving said polarized light signal, and said optical fibers connected to an electrical device situated remotely from said high voltage receiving said polarized light signal and generating an electrical signal, and wherein said conductive coating delivery system includes a pig station receiving said pig and said sensor element is located in said pig station, and said sensor element is adjacent said delivery line

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signaling movement of said pig through said delivery line past said sensor element, and said electrical device is connected to a valve delivering fluid to said conductive coating delivery line, and said magnetically acting transmitter element is a permanent magnet embedded in said pig (see col.1, line 1 – col.6, line 8; Figures 1-4).

Conclusion

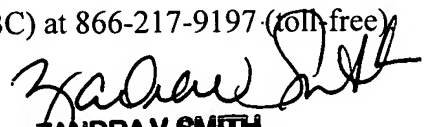

9. The prior art Heusler (EP 1 319 439 A1) is made of record and not relied upon is **considered pertinent** to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Roy M. Punnoose** whose telephone number is **571-272-2427**. The examiner can normally be reached on 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Gregory J. Toatley, Jr.** can be reached on **571-272-2800 ext.77**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Roy M. Punnoose
Patent Examiner
Art Unit 2877
September 21, 2005


ZANDRA V. SMITH
PRIMARY EXAMINER

Gregory J. Toatley, Jr.
Supervisory Patent Examiner